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Of Counsel
Benjamin P. Abney
David P. Page
Peter J. Regan

March 30, 2009

Bruce Jones, Esq.
Faegre & Benson
2200 Wells Fargo Center
90 S. 7th Street
Minneapolis, MN 35402

VIA ELECTRONIC MAIL

Re: Your letter of March 24, 2009 regarding the State's Responses to Cargill Defendants' discovery request of February 17, 2009

Dear Bruce:

Despite the fact that the Cargill Defendants have improperly filed their motion to compel, after I agreed to confer with you, I am writing in response to your letter of March 24, 2009, in which you made several criticisms of the State's responses to the Cargill Defendants' various discovery requests of February 17, 2009. I want to address in particular your criticisms of the State's answers to Interrogatories 2-4, and Request for Production 5 and 6.

Each of these discovery requests deals, in one fashion or another, with instances in which wastes generated by birds owned by the Cargill Defendants was applied on the land. Because it has never been disputed, so far as I know, that the Cargill Defendants know the locations of their own facilities, and those of the contractors to which they deliver birds that generate wastes, I assume you are not concerned about those locations where waste from your clients' birds first hits the ground. I assume as well you know the identities of your clients' contract growers.[1] Further, I assume you are concerned about those times and places in which the waste is moved from where your clients' birds first place it.

You claim that the State's responses are not sufficiently specific to allow the Cargill Defendants to know to which documents the State refers when it directs you to the grower and applicator files of the ODAFF. It may be that you have not personally reviewed these documents, but surely other members of Cargill's legal team have done so, and are doubtless familiar with them. In the event your criticisms are more than another disingenuous make work

[1] Exhibit 1 to the State's Supplemental Response to Cargill, Inc.'s Interrogatories (dated October 19, 2007), which was itself Exhibit 2 to the State's responses of March 19, 2009, was a list of Cargill entity growers for which files have been assigned Bates numbers and which have been produced to the Defendants from ODAFF.

project, and your *really do not know* which documents in the ODAFF production show where your client's poultry waste goes, I will endeavor to describe the particular types of documents containing that information. In this regard, I am attaching hereto examples of such documents to assist you.

ODAFF files for your clients' growers, or for your clients' own facilities if they have them, contain documents that show where and when your clients' waste is land applied. For instance, I have handy from last Friday's deposition of Dr. Smolen the Animal Waste Management Plan (AWMP) for W. A. Saunders, which I offer as an example only, because I believe he grows for another Defendant.[2] However, the AWMP form shows the location of his farm, and particularly the fields upon which he applies waste. *See* Exhibit 1 hereto, at Bates OKDA 0016182. Check the AWMPs of your clients' growers for similar information in similar locations. Additionally, many AWMPs have aerial photos which show the locations of the fields themselves. *See* OKDA 0016185-86 (which are not particularly good copies, but serve as illustrations of what to look for). Finally, Legal Location Platt forms like OKDA 0016200-01 show the location of the farms which are the subject of the AWMP.

As you know, growers sometimes sell or give waste away to others. Exhibit 2 to this letter contains excerpts from the file for Cargill grower Ernest Doyle which was used as an example in the State's October 17, 2007 supplemental discovery response, and carries Bates range OKDA0002994-3107.[3] You may recall that the STPs of Mr. Doyle's farm are so highly elevated that he is not permitted to land apply any more waste on his own farm. *See* OKDA 0003077 and 3084. However, within the ODAFF files you will find several types of reports which reveal what the grower does with litter he cannot use on his home place. Report forms such as that found at OKDA0003028 indicate to whom Mr. Doyle transferred his waste (in this case, Mr. Phil Keeter, Rte 3, Stillwell, OK). Look for forms of this sort to trace your clients' waste. Additionally, look for checklists like OKDA 0003041 and 3044 which show Mr. Doyle sold or gave waste to Mr. Jack Simmons, Rte 3, Stillwell, OK. Also, look for report forms like OKDA 0003094, 3100, 3102, and 3104 which, although blank in Mr. Doyle's case, are also used to record where wastes are placed. Forms like OKDA 0003105 also show where waste was placed, in this instance with Mr. Jack Simmons and Mr. Albert Leach, and shows a post office box address for each. Finally, see forms like that found at OKDA 0003107 which shows both where the waste originates and the legal description of where it applied, and the name of the recipient. You may have to locate the recipient's file to see where more precisely where he placed it, but this is precisely the search the State would have to make, and the burden of ascertaining the answer will be substantially the same for the Cargill Defendants as for the State.

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[2] Mr. Saunders' AWMP has been made an exhibit by the Defendants in at least two depositions, both of which were attended by Cargill counsel. Presumably the Cargill Defendants know how to read an AWMP and extract information from the form.

[3] The Cargill Defendants asked similar questions to which the State responded in October, 2007. I am surprised that the location of your clients' waste continues to be an issue, in light of the documents produced from ODAFF and from other discovery in the case.

ODAFF applicator files contain forms like that attached as Exhibit 3 to this letter. This form is similar to the one used by Mr. Doyle to show the source of the waste and the name and location of the recipient. Once again, you may have to check the recipient's file to get a more precise location for the destination of your clients' waste, but this is no more burdensome than the search the State would have to make to answer your interrogatories.

At a more general level, the expert report of Dr. Engel indicated, based upon an analysis of ODAFF records, that 30% of the waste generated was disposed of within a mile of where it was generated (or in the same one mile section), 67.5% was disposed of within two miles of where it was generated, and 80% was disposed of within 3.6 miles of where it was generated in the IRW. Engel report at p. 23. Dr. Engel noted that Dr. Fisher found a similar pattern in his analysis of Arkansas nutrient management plans. *Id.* Because there is no such thing as zero discharge from a field where there is runoff, Coale PI Tr. 1790:22-1791:12, and land application of poultry waste increases the concentration of P in the runoff, P from your clients' birds can reasonably be expected to be down gradient from land application sites and in the waters of the IRW. On Friday Dr. Smolen testified that it is the consensus of water quality professionals studying the IRW that P from poultry litter gets in the streams of this watershed.

I hope you will find this information helpful, in the event you actually had not looked at the pertinent documents and did not know what sort of documents revealed those locations where your clients waste came to be located. I am attempting to discuss your other concerns with the Attorney General's office and will respond to you as quickly as I can. Please call if you have any questions.

Sincerely yours,

Robert A. Nance
FOR THE FIRM

Cc: Counsel of Record

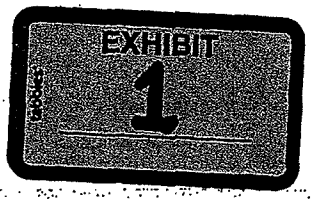
ANIMAL WASTE MANAGEMENT PLAN

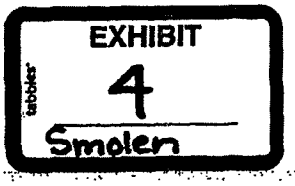
W. A. Saunders
Poultry Production Operation

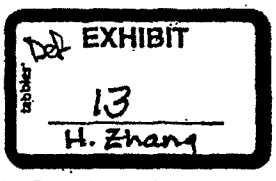
Section 15- T20N R25E
Other Property in:
Section 11- T20N R25E
Delaware County, Oklahoma

Agricultural Environmental Management Services
(AEMS)

Oklahoma Department of Agriculture, Food and Forestry
PO Box 528804
Oklahoma City, OK 74105







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ANIMAL WASTE MANAGEMENT PLAN
W.A. Saunders
Prepared August 2005
To be revised by August 2011

A. INTRODUCTION

Plants remove from the soil four to ten times as much nitrogen as phosphorus. Consequently a significant buildup of phosphorus in the soil can take place over a period of time. Much of the build up can be lost through runoff, which greatly reduces the quality of water downstream. Due to these water quality concerns, future land application of poultry litter will be based upon the phosphorus content in the soil and the amount of phosphorus in the chicken litter applied. The law requires that the Natural Resources Conservation Service (NRCS) recommendations for litter application rates be followed. NRCS recommends the application maximum of 200 lbs. of phosphorus per acre per year if the soil test shows a phosphorus index below 250. If the soil tests phosphorus index is between 250 and 400 then the rate applications are reduced by one-half. If the phosphorus index is above 400 then no litter is to be applied. If the maximum amount of litter that can be applied does not supply sufficient nitrogen for the desired production then nitrogen from other sources can be applied (ex: ammonium nitrate). About 50 lbs of nitrogen is needed to produce one ton of bermuda grass and about 60 lbs is needed to produce one ton of fescue.

B. DESCRIPTION OF OPERATION

This farm is located in an area of highly vulnerable groundwater. This waste management plan includes the production, handling, and distribution of waste and litter from five broiler houses. Three of these houses are each 40 feet wide and 400 feet long and the other two are each 40 feet wide and 300 feet long. They are located in Section 15, T.20N, R.25E., Delaware County, Oklahoma. On an average there will be 5.5 batches of chickens each year for a yearly production of 522,500 birds. Total average yearly waste and litter production is estimated, to be 500 tons. This waste is accumulated on a mixture of wood shavings and rice hulls bedding material and is completely removed each spring. Cake out is done on a regular basis and used for composting. The litter is spread on the surface of the ground when removed from the houses if conditions are right for spreading. There is not a litter storage barn available. If it should become necessary to store litter outside it will be protected from outside water and there will be no runoff from the stockpile. There are 558.5 acres in this property. About 400 acres are suitable for receiving litter (owner's estimate).

C. **APPLICATION RATES**

Field 1,2,3,4 and 7: Section 11, T.20N., R.25E.
Field 8: Section 15, T.20N., R.25E.
Delaware County, Oklahoma

Nutrient Content:
According to the latest (5/05) litter test, each ton of litter contains:

N-63 lbs. P_2O_5-79 lbs. K_2O-67 lbs.

Soils test results (5/05):

Field Number	NO_3	P Index	K Index
1	10 lbs	14	78
2	14 lbs	7	147
3	5 lbs	65	184
4	6 lbs	22	90
7	6 lbs	10	80
8	No soils test in 2005	Litter will not be applied here.	Litter will not be applied here.

Soils test P Index is below 250 in all fields tested. Litter can be applied at the full rate (200 lbs P_2O_5 per acre). 200 lbs. P_2O_5 divided by 79 lbs P_2O_5/ ton of litter = 2.5 ton of litter per acre per year maximum application rate. This 2.5 tons will supply enough nitrogen to produce about 2.2 tons of bermuda grass or about 1.8 tons of fescue. (Fertilizer is 70 percent effective the first year). 500 ton of litter is available divided by 2.5 tons per acre = 200 acres that can be covered that the full rate.

The application of lime at the following rates will make the fertilizer more readily available for plane use.

Field Number	Tons of EECE Lime Per Acre
1	1.0
2	4.2
3	4.2
4	1.9
7	1.4

Do not apply litter adjacent to ponds, streams, or water wells.

Application Summary:

400 acres can receive litter at the rate of 2.5 tons per acre = 1000 tons that could be used on this property. This far exceed the liter production on this farm.

D. DEAD BIRD DISPOSAL

Birds from normal death loss are disposed of in a composter. Catastrophic losses are disposed of in a dug pit as approved by the appropriate poultry inspector. An alternate method is field composting.

E. WASTE UTILIZATION GUIDELINES

1. All waste will be applied in accordance with all state and local laws and ordinances.
2. All waste applications will be timed to minimize pollution.
3. Any one of the following conditions will prohibit the surface application of litter:
   a. High velocity wind is toward a populated area.
   b. There is high probability of a runoff producing rainfall.
   c. The ground is frozen.
   d. Saturated conditions exist.
   e. The Phosphorus Index is 300 or greater in nutrient limited watersheds.
   f. The Phosphorus Index is 400 or greater in non-nutrient limited watersheds.
   g. Frequently flooded areas.
   h. Areas where there will be discharge from the application site.
   i. Severely eroding areas.
   j. Soils are less than 10 inches deep.
   k. Slopes are greater than 15% (fifteen feet rise or fall in 100 feet).
   l. Very stony areas.

F. BEST MANAGEMENT PRACTICES

1. Apply litter not to exceed amounts given in the waste management plan or a revised recommendation based on new soil and litter tests.

2. Obtain new soil and litter tests every year. A soil test is required only in fields when litter is to be applied.

3. Secure enough soil tests to adequately represent the conditions of your farm. Generally one composite sample is needed for each 40 acres where litter is to be applied.

4. Maintain a good growth of grass at all times. Grass should not be less than 4 inches tall. This reduces runoff, erosion, and nutrient loss.

5. Spread litter during growth season of dominant plants.

6. Control weeds and brush to maintain a good stand of grass.

7. Do not apply litter within 50 to 100 feet of streams, ponds, and water wells. Buffer strips should be maintained in these areas.

8. On slopes of 8 to 15%, use one-half the normal prescribed rate of litter.

G. ENVIRONMENTAL STATEMENT

There are ponds and intermittent streams on this property that require special precautions when spreading litter (See statement F 7). There are some steep slopes (greater than 15), but they do receive litter) Slopes of 8 to 15 percent will receive litter at one half rate (1.25 tons per acre). Some areas are seasonally wet, which limits litter applications to certain times of the year. This farm is in an area of highly vulnerable groundwater.

H. ADDITIONAL INFORMATION

1. The dominant grasses are bermuda grass and fescue.

2. The owner hires cake out and clean out.

3. More land is being cleared of trees.

4. Most of the steep and/or stony areas are still in woodland.

5. Keep records of amount of litter produced, date of total clean out, and where litter is applied if not sold.

4. In the event any other party takes litter from this property, they must be given a copy of a current litter test.

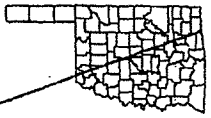
5. Litter and soil testing should be done about one month before time of total clean out. This will allow adequate time for test results to be returned and used in determining application rates.

6. If further assistance is needed call Ed Abernathy at (918) 647-3094.

S15 T20N R25E
Delaware County, OK

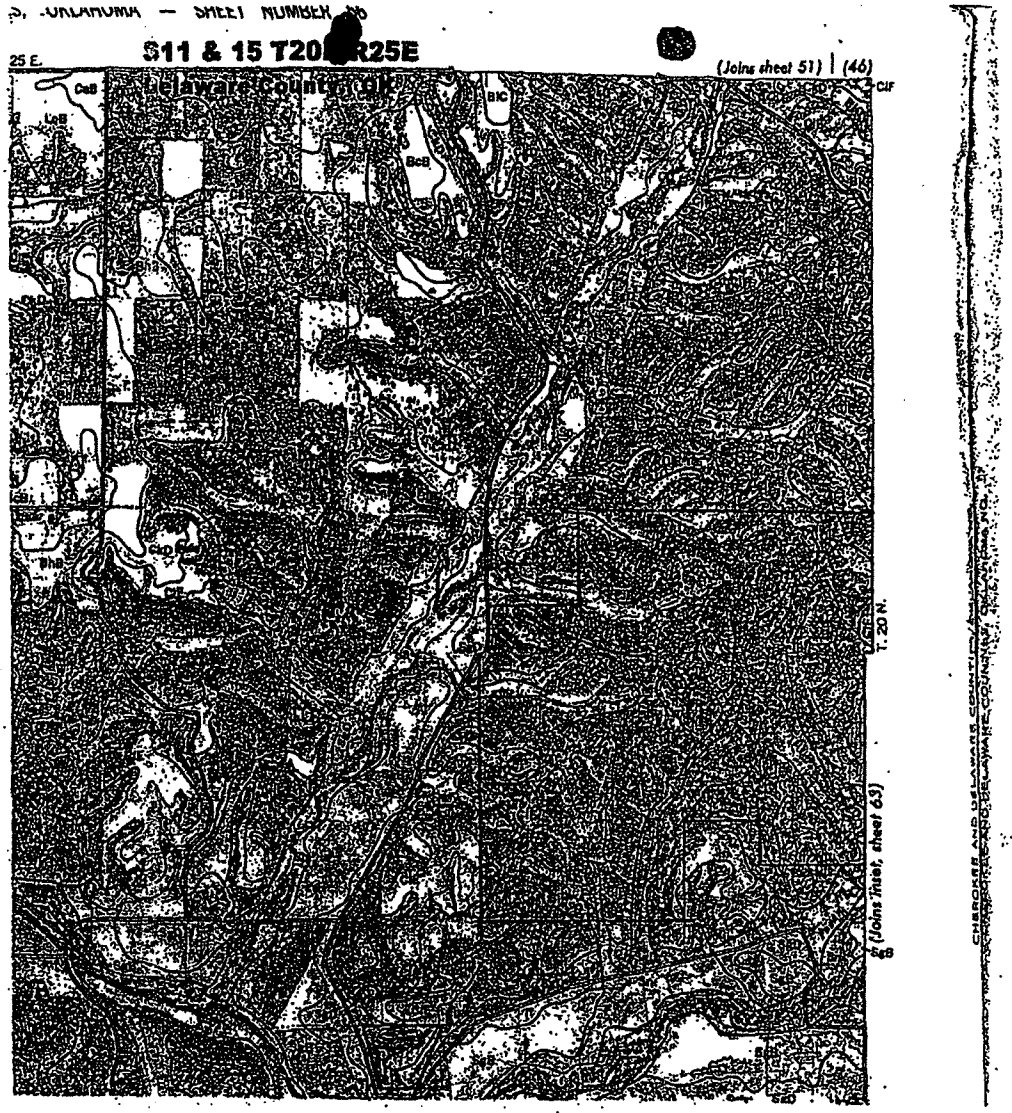
Produced by the Oklahoma Department of Agriculture Geographic Information System.

S11 T20N R25E
Delaware County, OK



Produced by the Oklahoma Department of Agriculture Geographic Information System.

S.T.= Soil Test



Map Symbol	Soil Name
CIE	Clarksville stony silt loam, 5 to 20 percent slopes
ClF	Clarksville stony silt loam, 20 to 50 percent slopes
SgD	Sallisaw gravelly Silt loam, 3 to 8 percent slopes
Sn	Staser gravel loam, (0 to 3 percent slopes)

Map Symbol	SOIL NAME AND DESCRIPTION
CIE	Clarksville stony silt loam, 5 to 20 percent slopes This is a deep, well drained to excessively drained soil with a stony, silt loam surface layer and a silty clay loam subsoil. It is low in natural fertility, organic matter content and available water capacity.
CIF	Clarksville stony silt loam, 20 to 50 percent slopes This is a deep, well drained to excessively drained soil with a stony, silt loam surface layer and a silty clay loam subsoil. It is low in natural fertility, organic matter content and available water capacity.
SgD	Sallisaw gravelly Silt loam, 3 to 8 percent slopes This is a deep well drained soil with a gravelly silt loam surface layer and a gravelly silty clay loam subsoil. It is medium in natural fertility, organic matter content, and available water capacity.
Sn	Staser gravel loam, (0 to 3 percent slopes) This is a deep well drained soil that is gravelly loam throughout. It is high in natural fertility and organic matter content. The available water capacity is low.

SOIL, WATER & FORAGE ANALYTICAL LABORATORY

Division of Agricultural Sciences and Natural Resources • Oklahoma State University
Plant and Soil Sciences • 048 Agricultural Hall • Stillwater, OK 74078
Email: soils_lab@mail.pss.okstate.edu
Website: www.soiltesting.okstate.edu

ANIMAL WASTE ANALYSIS REPORT

DELAWARE CTY EXT OFC

PO BOX 1020
JAY , OK 74346

Name: Al Saunders

Location:

Lab ID No: 377812
Customer Code: 21
Sample No: 40
Date Received: 5/4/2005
ReportDate 5/9/2005

TEST RESULTS FOR: Solid SOURCE: Poultry

TEST	As Received	As Received lbs/ton	Dry Basis lbs/ton
Moisture	21.9 %		
DryMatter	78.1 %		
pH	8.4		
EC	12590 µS		
Soluble Salts:	8435 ppm	16.87	21.60
Phosphorus (P2O5)	3.93 %	78.7	100.7
Calcium (Ca)	2.56 %	51.1	65.5
Potassium (K2O)	3.37 %	67.3	86.2
Magnesium (Mg)	0.59 %	11.7	15.0
Sodium (Na)	0.94 %	18.8	24.0
Sulfur (S)	0.72 %	14.4	18.5
Iron (Fe)	265.3 ppm	0.53	0.68
Zinc (Zn)	456.5 ppm	0.91	1.17
Copper (Cu)	487.8 ppm	0.98	1.25
Manganese (Mn)	521.3 ppm	1.04	1.33
Total C	29.8 %	596.2	763.3
Total N	3.1 %	62.7	80.2

DELAWARE COUNTY OSU EXTENSION CTR
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Education Agriculture/4-H

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OKDA0016189

Soil, Water & Forage Analytical Laboratory
Oklahoma State University
048 Agricultural Hall, Stillwater, OK 74078
Email: Soils_lab@mail.pss.okstate.edu

SOIL TEST REPORT

DELAWARE CTY EXT OFC	Name:	Lab ID No.:	377611
	AL SAUNDERS	Customer Code:	21
PO BOX 1020	Location:	Sample No.:	4950
JAY OK 74346	FIELD 1	Received:	5/3/2005
(918) 253-4332		Report Date:	5/11/2005

Reaction		NO3-N (lbs/acre)		Test Index(mehlich3)	
pH:	5.6	Surface:	10	P:	14
Buffer Index:	6.9	Subsoil:		K:	78

Secondary Nutrients	Micronutrients	Additional
Surface SO4-S (lbs/A):	Fe (ppm):	OM (%):
Subsoil SO4-S (lbs/A):	Zn (ppm):	
Ca (lbs/A):	B (ppm):	
Mg (lbs/A):		

Interpretation and Requirements for *Bermudagrass* (YIELD GOAL= 2 tons/acre)

Test	Interpretation	Requirement	Recommendation and Comments
pH	Lime needed	1.0 tons ECCE/A	
Nitrogen	Deficient	90 lb /acre N	
Phosphorus	71 % Sufficient	52 lbs/acre P_2O_5 annually	
Potassium	66 % Sufficient	78 lb /acre K_2O annually	

Additional Comments:

DELAWARE COUNTY OSU EXTENSION CT
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Educator-Agriculture/4-H

Signature

OKDA0016190

Soil, Water & Forage Analytical Laboratory
Oklahoma State University
048 Agricultural Hall, Stillwater, OK 74078
Email: Soils_lab@mail.pss.okstate.edu

SOIL TEST REPORT

DELAWARE CTY EXT OFC	Name:	Lab ID No.:	377612
	AL SAUNDERS	Customer Code:	21
PO BOX 1020	Location:	Sample No.:	4951
JAY OK 74346	FIELD 2	Received:	5/3/2005
(918) 253-4332		Report Date:	5/11/2005

Reaction		NO_3-N (lbs/acre)		Test Index(mehlich3)	
pH:	4.5	Surface:	14	P:	7
Buffer Index:	5.8	Subsoil:		K:	147

Secondary Nutrients	Micronutrients	Additional
Surface SO_4-S (lbs/A):	Fe (ppm):	OM (%):
Subsoil SO_4-S (lbs/A):	Zn (ppm):	
Ca (lbs/A):	B (ppm):	
Mg (lbs/A):		

Interpretation and Requirements for *Bermudagrass* (YIELD GOAL = *2 tons/acre*)

Test	Interpretation	Requirement	Recommendation and Comments
pH	Lime needed	4.2 tons ECCE/A	
Nitrogen	Deficient	86 lb /acre N	
Phosphorus	60 % Sufficient	65 lbs/acre P_2O_5 annually	
Potassium	84 % Sufficient	44 lb /acre K_2O annually	

Additional Comments:

DELAWARE COUNTY OSU EXTENSION C
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Educator-Agriculture/4-H

Signature

OKDA0016191

Soil, Water & Forage Analytical Laboratory
Oklahoma State University
048 Agricultural Hall, Stillwater, OK 74078
Email: Soils_lab@mail.pss.okstate.edu

SOIL TEST REPORT

DELAWARE CTY EXT OFC	Name:	Lab ID No.:	377613
	AL SAUNDERS	Customer Code:	21
PO BOX 1020	Location:	Sample No.:	4952
JAY OK 74346	FIELD 3	Received:	5/3/2005
(918) 253-4332		Report Date:	5/11/2005

Reaction		NO3-N (lbs/acre)		Test Index(mehlich3)	
pH:	4.6	Surface:	5	P:	65
Buffer Index:	6.2	Subsoil:		K:	184

Secondary Nutrients	Micronutrients	Additional
Surface SO4-S (lbs/A):	Fe (ppm):	OM (%):
Subsoil SO4-S (lbs/A):	Zn (ppm):	
Ca (lbs/A):	B (ppm):	
Mg (lbs/A):		

Interpretation and Requirements for *Bermudagrass* (YIELD GOAL = *2 tons/acre*)

Test	Interpretation	Requirement	Recommendation and Comments
pH	Lime needed	4.2 tons ECCE/A	
Nitrogen	Deficient	95 lb /acre N	
Phosphorus	Adequate	None	
Potassium	92 % Sufficient	34 lb /acre K_2O annually	

Additional Comments:

DELAWARE COUNTY OSU EXTENSION
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Educator-Agriculture/4-H

Signature

OKDA0016192

Soil, Water & Forage Analytical Laboratory
Oklahoma State University
048 Agricultural Hall, Stillwater, OK 74078
Email: Soils_lab@mail.pss.okstate.edu

SOIL TEST REPORT

DELAWARE CTY EXT OFC	Name:	Lab ID No.:	377614
	AL SAUNDERS	Customer Code:	21
PO BOX 1020	Location:	Sample No.:	4953
JAY OK 74346	FIELD 4	Received:	5/3/2005
(918) 253-4332		Report Date:	5/11/2005

Reaction		NO3-N (lbs/acre)		Test Index(mehlich3)	
pH:	5.1	Surface:	6	P:	22
Buffer Index:	6.6	Subsoil:		K:	90

Secondary Nutrients	Micronutrients	Additional
Surface SO4-S (lbs/A):	Fe (ppm):	OM (%):
Subsoil SO4-S (lbs/A):	Zn (ppm):	
Ca (lbs/A):	B (ppm):	
Mg (lbs/A):		

Interpretation and Requirements for *Bermudagrass* (YIELD GOAL= *2 tons/acre*)

Test	Interpretation	Requirement	Recommendation and Comments
pH	Lime needed	1.9 tons ECCE/A	
Nitrogen	Deficient	94 lb /acre N	
Phosphorus	82 % Sufficient	38 lbs/acre P_2O_5 annually	
Potassium	70 % Sufficient	71 lb /acre K_2O annually	

Additional Comments:

DELAWARE COUNTY OSU EXTENSION CT
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Educator-Agriculture/4-H

Signature

OKDA0016193

Soil, Water & Forage Analytical Laboratory
Oklahoma State University
048 Agricultural Hall, Stillwater, OK 74078
Email: Soils_lab@mail.pss.okstate.edu

SOIL TEST REPORT

DELAWARE CTY EXT OFC	Name:	Lab ID No.:	377615
	AL SAUNDERS	Customer Code:	21
PO BOX 1020	Location:	Sample No.:	4954
JAY OK 74346	FIELD 7	Received:	5/3/2005
(918) 253-4332		Report Date:	5/11/2005

Reaction		NO3-N (lbs/acre)		Test Index(mehlich3)	
pH:	5.1	Surface:	6	P:	10
Buffer Index:	6.7	Subsoil:		K:	80

Secondary Nutrients	Micronutrients	Additional
Surface SO4-S (lbs/A):	Fe (ppm):	OM (%):
Subsoil SO4-S (lbs/A):	Zn (ppm):	
Ca (lbs/A):	B (ppm):	
Mg (lbs/A):		

Interpretation and Requirements for *Bermudagrass* **(YIELD GOAL = *2 tons/acre*)**

Test	Interpretation	Requirement	Recommendation and Comments
pH	Lime needed	1.4 tons ECCE/A	
Nitrogen	Deficient	94 lb /acre N	
Phosphorus	65 % Sufficient	60 lbs/acre P_2O_5 annually	
Potassium	67 % Sufficient	77 lb /acre K_2O annually	

Additional Comments:

DELAWARE COUNTY OSU EXTENSION CT
PO BOX 1020 - FAIR GROUNDS
JAY, OK 74346
(918) 253-4332

JASON HOLLENBACK
Extension Educator-Agriculture/4-H

Signature

S15 T20N R25E
Delaware County, OK

Produced by the Oklahoma Department of Agriculture Geographic Information System.

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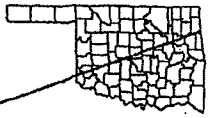
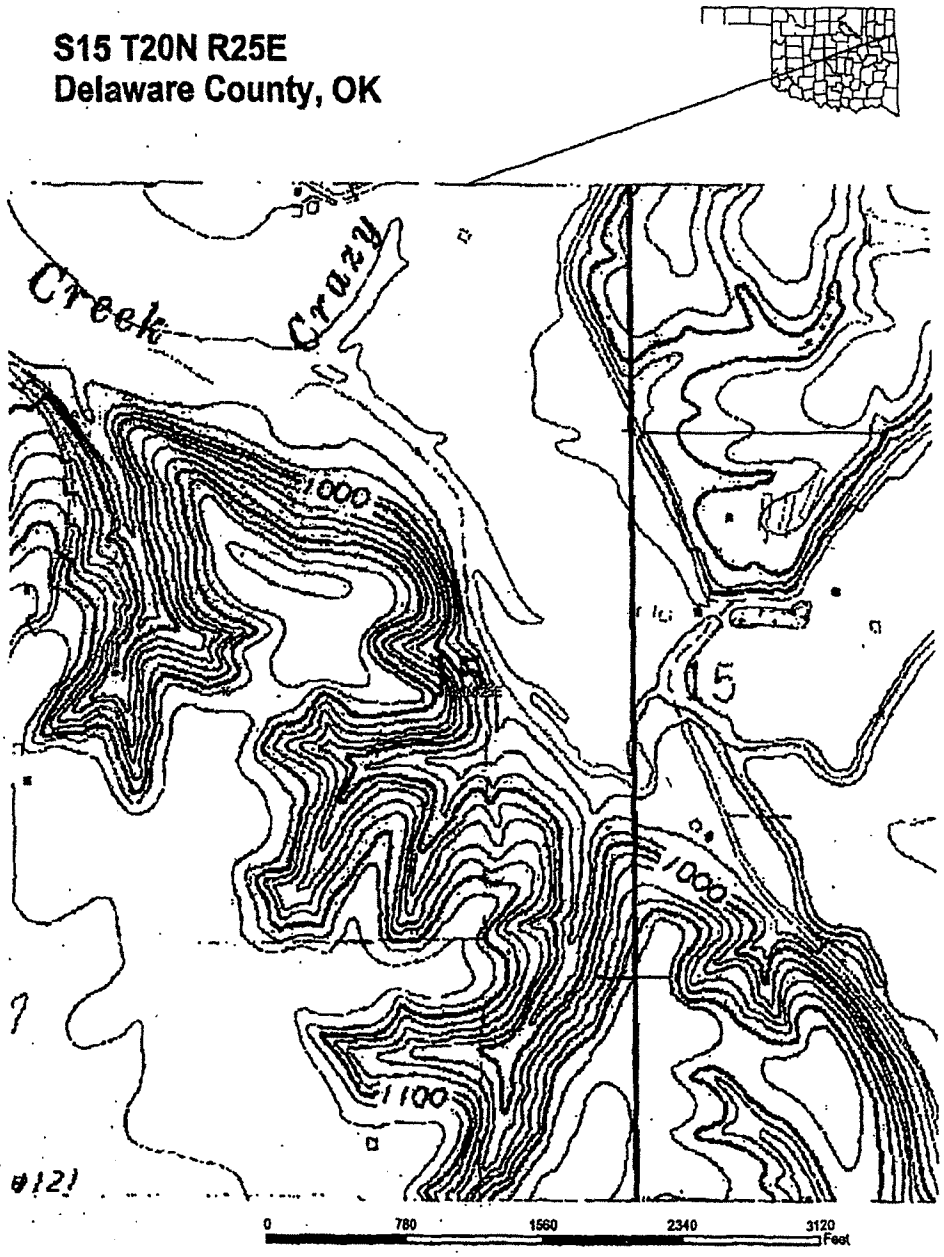
S11 T20N R25E
Delaware County, OK



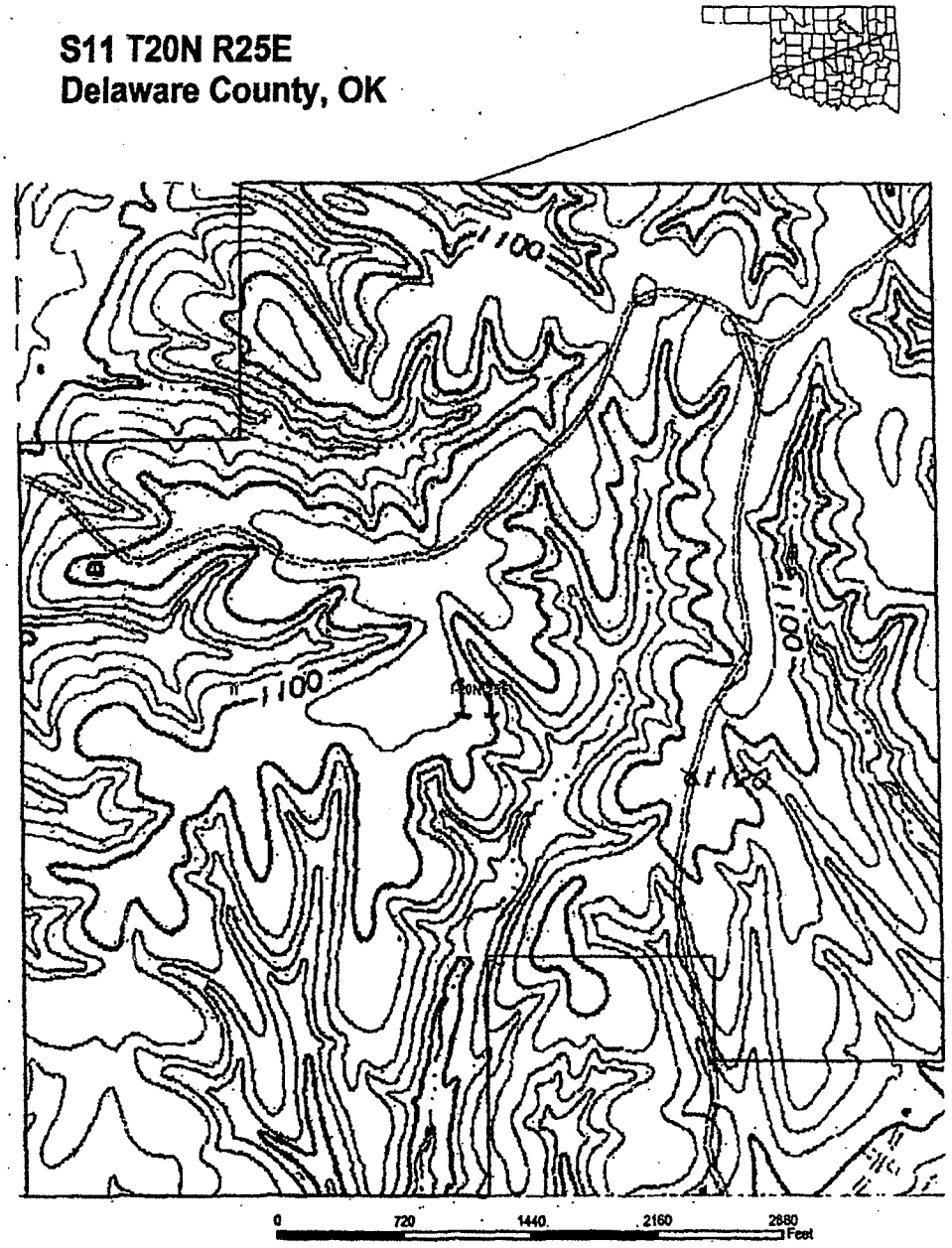
Produced by the Oklahoma Department of Agriculture Geographic Information System.

S15 T20N R25E
Delaware County, OK



Produced by the Oklahoma Department of Agriculture Geographic Information System.

S11 T20N R25E
Delaware County, OK



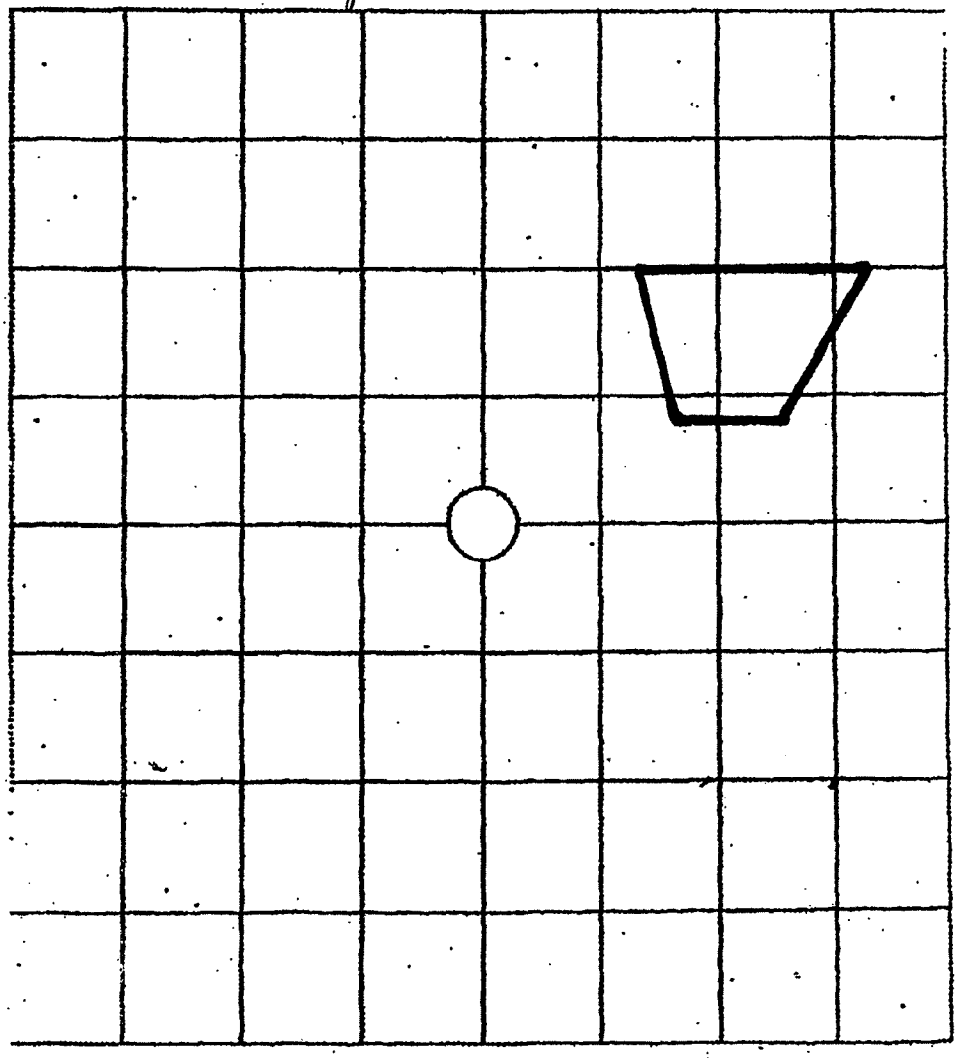
Produced by the Oklahoma Department of Agriculture Geographic Information System.

OKLAHOMA DEPARTMENT OF AGRICULTURE
WATER QUALITY SERVICES DIVISION
Legal Location Plat

NORTH

Size: 10 acre
Scale: 1" = 660'

Facility Name W. A. Saunders
Legal Desc. ___, ___, ___ Sec 15 T 20N R 25E Mer. ___
County Delaware County, Oklahoma



OKLAHOMA DEPARTMENT OF AGRICULTURE
WATER QUALITY SERVICES DIVISION
Legal Location Plat

NORTH

Size: 10 acre
Scale: 1" = 660'

Facility Name W.A. Saunders
Legal Desc. ___, ___, ___ Sec 11 T20N R25E Mer. ___
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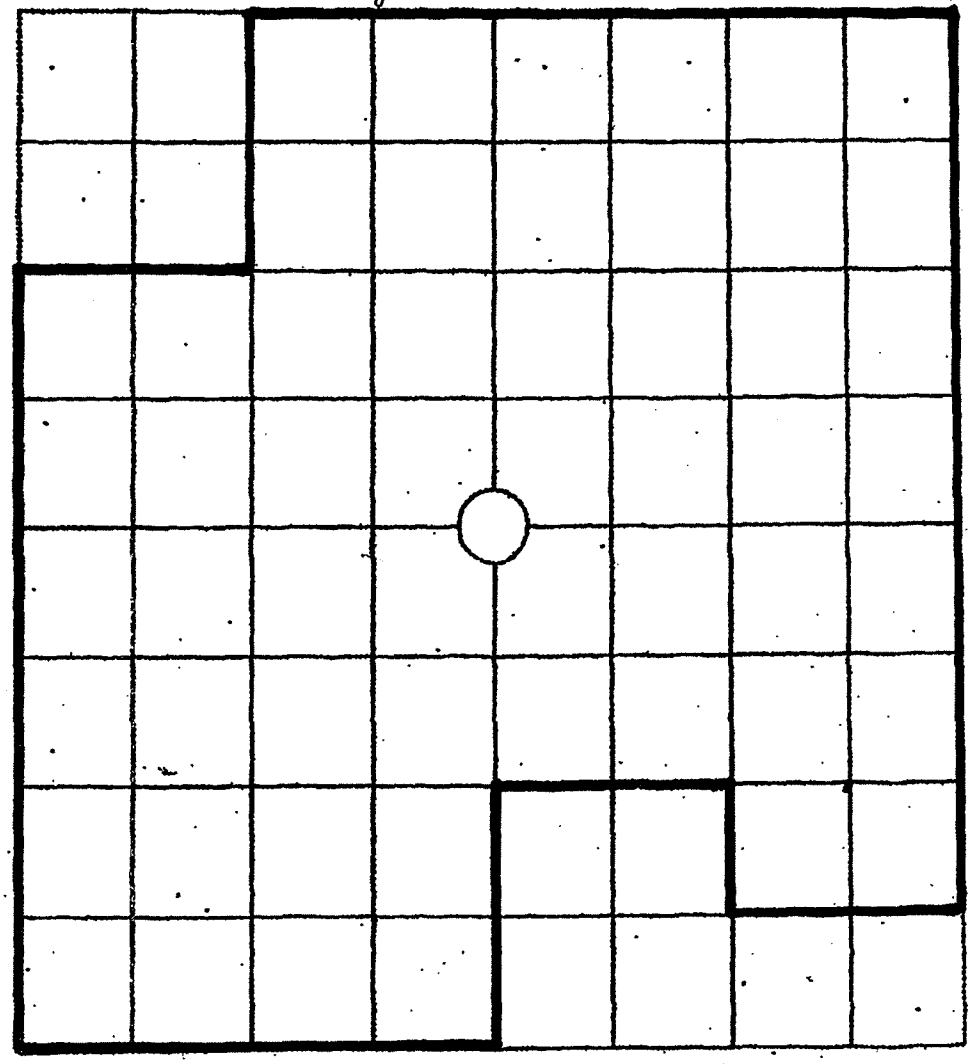

Page 21

OKDA0016201

[redacted]

DOYLE, ERNEST
STILWELL OK [redacted]
INTEGRATOR - HONEYSUCKLE
WHITE
INSPECTOR - BERRY

AEMS000096
Rev 07/30/04

FORM D

POULTRY FEEDING OPERATION REPORT OF POULTRY WASTE STORED, SOLD, OR GIVEN AWAY

PRODUCER'S NAME Ernest Doyle DATE: 3-10-05

APPLICATION RECORDS: LITTER:

CLEANED OUT___ CAKED OUT___ AMOUNT STORED_____ DATE:_____ DID NOT CLEAN OUT:_____

CLEANED OUT___ CAKED OUT___ AMOUNT STORED_____ DATE:_____

CLEANED OUT___ CAKED OUT___ AMOUNT STORED_____ DATE:_____

LITTER SOLD OR GIVEN AWAY: YES ✓ NO ___ CURRENT LITTER SAMPLE ANALYSIS AVAILABLE: YES___ (NO)

DATE REMOVED FROM BUILDINGS	HAULER REMOVING OR PERSON RECEIVING WASTE INCLUDING PERSON FOR WHOM WASTE WAS APPLIED	HAULER'S OR RECIPIENT'S ADDRESS INCLUDING PERSON FOR WHOM WASTE WAS APPLIED	WASTE REMOVED (TONS OR CUBIC YARDS)	BASED ON DRY OR AS-IS WEIGHT?	WASTE TEST RESULTS GIVEN?
Aug 03	Phil Keeter	Rt 3 Stilwell, OK	66 Tons	Dry	yes
Oct 03	" "		84 Tons	Dry	yes
Dec 03	" "		72 Tons	Dry	yes
MAR 04	" "		91 Tons	Dry	NO

OKDA0003028

Registered Poultry Feeding Operations Checklist

Producer: Ernest Doyle Date: December 26, 2000

5. **Records:**

Application records:
Current: Yes X No____
Litter: Cleaned-out X Caked-out X

Application Area Legal Description:____
Date of Application:____
Amount applied:____ Amount stored:____
Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____
Date of Application:____
Amount applied:____ Amount stored:____
Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____
Date of Application:____
Amount applied:____ Amount stored:____
Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____
Date of Application:____
Amount applied:____ Amount stored:____
Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____
Date of Application:____
Amount applied:____ Amount stored:____
Rate applied? Yes____ If so, what rate?____ No____

Litter sold or given away Yes X No____
Current litter sample analysis available: Yes X No____

Name and address Jack Simmons Stilwell OK Rt. 3
Date of removal July 5, 1999
Amount removed 105 ton

Name and address Jack Simmons
Date of removal October 5 1999
Amount removed 24.5 ton

Name and address Jack Simmons
Date of removal December 8, 1999
Amount removed 42 ton

Name and address Jack Simmons
Date of removal February 10, 2000
Amount removed 63 ton

Name and address Jack Simmons
Date of removal May 8, 2000
Amount removed 390 ton

ADD ADDITIONAL SHEETS IF NECESSARY

ORIGINAL – OFFICE YELLOW – INSPECTOR PINK - GROWER

Registered Poultry Feeding Operations Checklist

Producer: Ernest Doyle Date: December 23, 1999

5. **Records:**

Application records:

Current: Yes X No____

Litter: Cleaned-out____ Caked-out X

Application Area Legal Description: Section 30 - T17N-R25E - Field #3

Date of Application: September 15, 1998

Amount applied: 76 tons Amount stored:____

Rate applied? Yes____ If so, what rate?____ No X

Application Area Legal Description:____

Date of Application:____

Amount applied:____ Amount stored:____

Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____

Date of Application:____

Amount applied:____ Amount stored:____

Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____

Date of Application:____

Amount applied:____ Amount stored:____

Rate applied? Yes____ If so, what rate?____ No____

Application Area Legal Description:____

Date of Application:____

Amount applied:____ Amount stored:____

Rate applied? Yes____ If so, what rate?____ No____

Litter sold or given away Yes X No____

Current litter sample analysis available: Yes X No____

Name and address Jack Simmons - Stilwell, OK - Rt 3

Date of removal 12-98

Amount removed 112 tons

Name and address Jack Simmons -

Date of removal 3-22-99

Amount removed 84 ton

Name and address____

Date of removal____

Amount removed____

Name and address____

Date of removal____

Amount removed____

Name and address____

Date of removal____

Amount removed____

ADD ADDITIONAL SHEETS IF NECESSARY

ORIGINAL – OFFICE YELLOW – INSPECTOR PINK - GROWER

ANIMAL WASTE MANAGEMENT PLAN

for

EARNEST DOYLE

developed by USDA-NRCS on February 1, 1999

Introduction

This waste management plan is developed for the Earnest Doyle poultry operation located in sections 30 and 19, Township 17 North, Range 25 East in Adair County, Oklahoma. This plan calls for the application of phosphorus which exceeds that amount which will be used by the plants. Application is based on assimilation of phosphorus in the soil profile. Prolonged applications of poultry waste to the same area can increase phosphorus content in the soil profile. This plan is developed to provide guidance in the management of wastes from production to utilization in a manner that prevents or minimizes degradation of air, soil, and water resources.

Waste produced

Waste is produced in four houses containing a total of 20,500 turkeys. Litter is collected on the floor of the houses and decaked after each batch. A cake-out storage structure is planned to be built in 2000 if funds become available. Dead birds from normal mortality are disposed of in a composter located at the operation. Catastrophic losses will be buried in a pit located with assistance from the NRCS. Based upon December 1998 litter nutrient tests, the equivalent fertilizer values available for plant use of the animal waste to be applied is 65-84-59 (N-P_2O_5-K_2O) pounds per ton of litter. Litter analyses from this operation should be performed every three years.

Soil Nutrient Tests

Soil samples for fields 2,3,4 and 5 were taken in December 1998. These tests revealed that these areas should not have animal waste applied because the Phosphorus levels were higher than 400 lbs/ac. Field 2 had a P-index of 884 while field 3 was 728, field 4 was 811, and field 5 was 1064. If the soil P index on a field ever exceeds 220. soil tests must be completed annually before waste can be applied to that field. Soil samples should be taken according to OSU Fact Sheet No. 2207 at a depth of 6-8 inches.

Application areas

There are no fields available to accept animal waste.

Summary

According to estimates of litter production, 560 tons of animal waste will be produced from this operation annually. All 560 tons will need to be utilized off-site on soils that are capable of accepting animal waste. The producer plans to sell all of the litter produced at this operation and will not apply litter to his land.

SOIL, WATER & FORAGE ANALYTICAL LABORATORY

Division of Agricultural Sciences and Natural Resources • Oklahoma State University
Plant and Soil Sciences • 048 Agricultural Hall • Stillwater, OK 74078

SOIL TEST REPORT

BOB WOODS NE DISTRICT
ADAIR OSU EXTENSION
230 W OKMULGEE SUITE B
MUSKOGEE, OK 74401
(918) 696-2253

Name: Earnest Doyle
Rt. 3 Box 1280
Location: Stilwell, OK 74960
#5

Lab I.D. No.: 190187
Customer Code: 1
Sample No: 4448
Received: 12/17/98
Report Date: 12/18/98

TEST RESULTS

— Soil Reaction —		— NO3-N (lbs/acre) —		— Test Index —
pH:	5.8	Surface:	19	P (lbs/acre): 1063
Buffer Index:	7.0	Subsoil:		K (lbs/acre): 337

— Secondary nutrients —		— Micronutrients —
Surface SO4-S (lbs/acre):	Ca (lbs/acre) :	Fe (ppm):
Subsoil SO4-S (lbs/acre):	Mg (lbs/acre):	Zn (ppm):
		B (ppm):

INTERPRETATIONS AND REQUIREMENTS FOR *Bermudagrass* **(YIELD GOAL =** *3.00* **tons/acre)**

— Test —	— Interpretation —	— Requirement —	— Recommendations and Comments —
pH	Adequate	No lime required	
Nitrogen	Deficient	131 lbs/acre N	
Phosphorus	Adequate	None	
Potassium	Adequate	None	

I do Not use Animal manure on this site
[illegible] P [illegible]
apply 50 lbs of N/T of production
4 5 T/A possible with 200 - 250 lbs of N/A
or legumes instead of N

[signature] Wood
Signature

OKDA0003084

AEMS022 (Rev 8/05)

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
POULTRY WASTE APPLICATION RECORD
ANNUAL REPORT FORM

USE THIS FORM TO REPORT POULTRY WASTE APPLIED FOR YOURSELF OR SOMEONE ELSE

THIS IS THE FORM YOU NEED TO SEND INTO ODAFF

APPLICATOR'S NAME: _____ APPLICATOR'S PHONE _____

APPLICATOR'S ADDRESS: _____

WHERE POULTRY WASTE WAS PRODUCED		WHERE POULTRY WASTE WAS LAND APPLIED							
LEGAL DESCRIPTION	CONSERVATION DISTRICT NAME	DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION	FIELD NAME OR NUMBER NOTE: ALSO PLACE SAME NAME OR NUMBER ON LAB SHEET	TONS OF WASTE APPLIED	NO. OF ACRES WASTE APPLIED TO	TONS PER ACRE WASTE APPLIED	PERSON RECEIVING WASTE NAME & ADDRESS (NOTE: IF SAME NAME AS APPLICATOR, WRITE SAME)	CONSERVATION DISTRICT NAME (IF SAME AS APPLICATOR WRITE SAME)
S T R			S T R						
S T R			S T R						
S T R			S T R		NO LETTER				
S T R			S T R			APPLIED			
S T R			S T R						
S T R			S T R						
S T R			S T R						

*S = Section
*T = Township
*R = Range

NOTE: PLEASE include name or number of the field the waste was applied to in the proper column on this sheet and also handwrite the appropriate field name or number on the lab results sheet.

Mail To: Oklahoma Department of Agriculture, Food, and Forestry
Agricultural Environmental Management Services
(Formerly Water Quality Services)
P. O. Box 528804
Oklahoma City, OK 73152-8804

***COPIES OF APPLICABLE SOIL & WASTE LAB REPORTS MUST BE PROVIDED WITH THIS REPORT**

OKDA0003094

AEMS000090 (Rev 8/01/04)

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
POULTRY WASTE APPLICATION RECORD
ANNUAL REPORT FORM

THIS IS THE FORM YOU NEED TO SEND INTO ODAFF

NAME, ADDRESS, CITY, STATE, ZIP

(COMMERCIAL OR PRIVATE APPLICATORS – THIS FORM IS ONLY TO BE USED TO REPORT WASTE THAT YOU HAVE APPLIED FOR EITHER YOURSELF OR SOMEONE ELSE)

DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION *S-*T-*R	SOIL TEST RESULTS **NPK	*SAMPLE DATE AND LAB USED	FIELD NAME	IDENTIFY WHERE WASTE WAS PRODUCED LEGAL DESCRIPTION	CONSERVATION DISTRICT WHERE WASTE WAS PRODUCED	LITTER TREATMENT METHOD USED (IF ANY)	WASTE APPLIED (TONS) +	WASTE COVERED (ACRES) =	WASTE APPLIED (TON/ACRE)	PERSON RECEIVING WASTE NAME &ADDRESS	CONSERVATION DISTRICT & COUNTY
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R		NO LITTER APPLIED					
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R							
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R							
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R							
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R							
	S T R	DATE N P K	SAMPLE DATE: LAB USED:		S T R							

*S = Section
*T = Township
*R = Range

** N = Nitrogen
** P = Phosphorus
** K = Potassium

Mail To: Oklahoma Department of Agriculture, Food, and Forestry
Agricultural Environmental Management Services
(Formerly Water Quality Services)
P. O. Box 528804
Oklahoma City, OK 73152-8804

***COPIES OF SOIL & WASTE LAB REPORTS MUST BE PROVIDED**

OKDA0003100

WQ000090 (Rev 4/03)

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
SOLID POULTRY WASTE APPLICATION RECORD
ANNUAL REPORT FORM

THIS IS THE FORM YOU NEED TO SEND INTO ODAFF

POULTRY APPLICATOR NAME____________________ PHONE (______) __________

MAILING ADDRESS____________________ TOWN__________ ZIP__________

(COMMERCIAL OR PRIVATE APPLICATORS – THIS FORM IS ONLY TO BE USED TO REPORT WASTE THAT YOU HAVE APPLIED FOR EITHER YOURSELF OR SOMEONE ELSE)

DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION *S-*T-*R	SOIL TEST RESULTS **NPK	FIELD NAME	IDENTIFY WHERE WASTE WAS PRODUCED LEGAL DESCRIPTION	CONSERVATION DISTRICT WHERE WASTE WAS PRODUCED	WASTE APPLIED (TONS) +	WASTE COVERED (ACRES) =	WASTE APPLIED (TON/ACRE)	PERSON RECEIVING WASTE NAME &ADDRESS	CONSERVATION DISTRICT & COUNTY
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						
	S T R	DATE N P K		S T R						

*S = Section
*T = Township
*R = Range

** N = Nitrogen
** P = Phosphorus
** K = Potassium

Mail To: Oklahoma Department of Agriculture, Food, and Forestry
Water Quality Services Division
P. O. Box 528804
Oklahoma City, OK 73152-8804

SEE OTHER SIDE

OKDA0003102

SOLID POULTRY LITTER APPLICATION RECORD
ANNUAL REPORT FORM

FORM C

POULTRY APPLICATOR NAME _____ PHONE (___) _____

MAILING ADDRESS _____ TOWN _____ ZIP _____

CONSERVATION DISTRICT _____

DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION AND CONSERVATION DISTRICT NAME *SEC-T-R	FIELD NAME AND SOIL TEST RESULTS **NPK	SOURCE OF LITTER LEGAL DESCRIPTION AND CONSERVATION DISTRICT NAME	LITTER APPLIED (TONS)	AREA COVERED (ACRES)	LITTER APPLIED (TONS/ACRES)	NAME AND ADDRESS OF PERSON RECEIVING LITTER AND CONSERVATION DISTRICT NAME
					+	=	
		DID NOT APPLY ANY LITTER					
		TO MY LAND OR ANY ONE ELSE LAND.					
		SOLD ALL LITTER.					
				Ernest Doyle			
					+	=	
					+	=	
					+	=	
					+	=	
					+	=	
					+	=	

*SEC= SECTION
*T = TOWNSHIP
*R = RANGE

**N = NITROGEN
**P = PHOSPHORUS
**K = POTASSIUM

OKDA0003104

WQ000096
7/00

FORM D

POULTRY LITTER SOLD OR GIVEN AWAY

INDIVIDUAL'S NAME ERNEST DOYLE PHONE (918) 778-3220

MAILING ADDRESS R#3, BOX 1280 TOWN STILWELL ZIP 74960 OK.

DATE REMOVED FROM BUILDINGS	HAULER REMOVING OR PERSON RECEIVING LITTER INCLUDING PERSON FOR WHOM LITTER WAS APPLIED	HAULER'S OR RECIPIENT'S ADDRESS INCLUDING PERSON FOR WHOM LITTER WAS APPLIED	LITTER REMOVED (TONS OR CUBIC YARDS)	BASED ON DRY OR AS-IS WEIGHT?	LITTER TEST RESULTS GIVEN?
SEPT. '01	JACK SIMMONS	R3 BOX 1270 STILWELL, OK 74960	39 LOADS 4.5 T/LOAD 175.5 T	AS IS	NO
NOV. '01	↓	↓	10 LOADS 4.5 T/LOAD 45 T	AS IS	NO
JAN. '02			41 LOADS 6 T/LOAD 246 T	AS IS	YES
APRIL '02	ALBERT LEACH	R3 BOX 1215 STILWELL, OK 74960	39 LOADS 2 T/LOAD 78 T	AS IS	NO
JUNE '02	↓	↓	52 LOADS 2 T/LOAD 104 T	AS IS	YES

OKDA0003105

WQ000090
9/01

SOLID POULTRY LITTER APPLICATION RECORD
ANNUAL REPORT FORM

POULTRY APPLICATOR NAME ERNEST DOYLE PHONE (918) 778-3220

MAILING ADDRESS R#3 BOX 1280 TOWN STILWELL OK. ZIP 74960

CONSERVATION DISTRICT ADAIR CO.

DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION *SEC-T-R	FIELD NAME AND SOIL TEST RESULTS **NPK	SOURCE OF LITTER LEGAL DESCRIPTION AND CONSERVATION DISTRICT	LITTER APPLIED (TONS)	AREA COVERED (ACRES)	LITTER APPLIED (TONS/ACRE)	NAME AND ADDRESS OF PERSON RECEIVING LITTER
9-11-00	25-17-24	HOME PLACE	TURKEY 19-17-35 ADAIR	32	16	2	JACK SIMMONS
9-30-00	25-17-24	HOME PLACE	TURKEY 19-17-35 ADAIR	27	16	1.75	R#3, BOX 1270
1-9-01	34-17-24	WEBB PLACE	TURKEY 19-17-35 ADAIR	90	40	2.25	STILWELL, OK
2-11-01	34-17-24	WEBB PLACE	TURKEY 19-17-35 ADAIR	77	40	2	74960
3-21-01	25-17-24	GRANNIE'S		76	35	2	
4-7-01	25-17-24	GRANNIE'S		32	25	1.25	
5-10-01	34-17-24	WEBB PLACE		31	15	2	
5-14-01	34-17-24	WEBB PLACE		45	20	2.25	
6-6-01	25-17-24	GRANNIE'S		54	35	1.5	
6-29-01	34-17-24	HART PLACE		31	13	2.5	

*Sec = Section
*T = Township
*R = Range

**N = Nitrogen
**P = Phosphorus
**K = Potassium

OKDA0003107

AEMS022 (Rev 1/07))

OKLAHOMA DEPARTMENT OF AGRICULTURE, FOOD, AND FORESTRY
POULTRY WASTE APPLICATION RECORD
ANNUAL REPORT FORM

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USE THIS FORM TO REPORT POULTRY WASTE APPLIED FOR YOURSELF OR SOMEONE ELSE

APPLICATOR'S NAME: _____ APPLICATOR'S PHONE _____

APPLICATOR'S ADDRESS: _____

WHERE POULTRY WASTE WAS PRODUCED		WHERE POULTRY WASTE WAS LAND APPLIED							
LEGAL DESCRIPTION	CONSERVATION DISTRICT NAME	DATE APPLIED	APPLICATION SITE LEGAL DESCRIPTION	FIELD NAME OR NUMBER NOTE: ALSO PLACE SAME NAME OR NUMBER ON LAB SHEET	TONS OF WASTE APPLIED	NO. OF ACRES WASTE APPLIED TO	TONS PER ACRE WASTE APPLIED	PERSON RECEIVING WASTE NAME & ADDRESS (NOTE: IF SAME NAME AS APPLICATOR, WRITE SAME)	CONSERVATION DISTRICT NAME (IF SAME AS APPLICATOR WRITE SAME)
S T R			S T R						
S T R			S T R						
S T R			S T R						
S T R			S T R						
S T R			S T R						
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S T R			S T R						

*S = Section
*T = Township
*R = Range

NOTE: PLEASE include name or number of the field the waste was applied to in the proper column on this sheet and also handwrite the appropriate field name or number on the lab results sheet.

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Agricultural Environmental Management Services
P. O. Box 528804
Oklahoma City, OK 73152-8804

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